



MMPA Bulletin

NMFS Office of Protected Resources

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NMFS Continues Campaign to Halt Feeding and Harassment of Wild Dolphins

As reported in the September/October 1995 issue of the *MMPA Bulletin* ("Flipper's Myth Proves Harmful"), interactions between humans and marine mammals in the wild have been increasing at an alarming rate over the past several years. More and more people are seeking out close encounters with wild dolphins and other marine mammals by closely approaching, petting, feeding, and/or swimming with the animals. The media as well as movies such as "Flipper" and "Andre" predispose the public to expect "friendly" encounters with the animals. As a result, some people do not realize that feeding and interacting with wild marine mammals can be dangerous.

In May 1997, NMFS embarked upon a media and education campaign in Florida to increase public awareness about the dangers of feeding and harassing wild dolphins. These activities are harmful to both the animals and to people, and are illegal under the Marine Mammal Protection Act (MMPA). The courts have upheld the prohibitions on feeding wild dolphins and the scientific community supports this prohibition on the grounds that feeding places dolphins at increased risk of injury or death.

A NMFS team from the offices of Protected Resources, Public Affairs, Enforcement, and the Southeast Region visited locations where human/dolphin interactions in the wild are a concern. Panama City Beach, Florida was the first stop; other stops included Key West, Sarasota, and Melbourne. Problems with people interacting with wild bottlenose dolphins have long-standing histories in these areas. Local television, newspapers, and radio media as well as CNN and Audubon magazine covered the campaign for recent feature stories.

During the campaign, NMFS unveiled a new brochure and poster and announced a new enforcement effort to address this persistent problem in the Southeast. In 1997, the Florida Marine Patrol assisted NMFS by deterring dolphin feeding and harassment as well as by distributing NMFS educational materials. In 1998, NMFS will have six additional federal enforcement officers concentrating on protected species issues in the Southeast, including dolphin feeding and harassment. Public awareness is a key factor in effectively addressing this problem. Most people who engage in these illegal activities don't realize that they are placing the dolphins and themselves at risk. The agency is working with researchers, public display facilities, and environmental groups to

foster a "wildlife stewardship etiquette" to follow in the natural habitats of marine mammals. This will help the general public to make distinction between passive observation and interaction. NMFS encourages passive observation from a safe distance of at least 50 yards with binoculars or a telephoto lens as the best way to observe wild dolphins.



For the dolphins' sake, and for your safety, DON'T FEED, SWIM WITH OR HARM WILD DOLPHINS!
(NMFS File Photo)

Feeding marine mammals in the wild alters their behavior in ways that put them at increased risk of injury and death, and may impact their ability or willingness to forage for food. NMFS is also concerned that "Swim-with-Dolphin" activities risk harassing the animals because they seek out and interact with dolphins in a manner that has the potential to disturb the animals' behavioral patterns. In the Southeast, many of these programs are directly facilitated by illegal dolphin feeding.

The message NMFS wants to convey is simple: "Look, but don't touch...admire wild marine mammals from a distance...let the wild ones stay wild."

NMFS has established an Enforcement Hotline number for reporting violations (1-800-853-1964). For additional information or copies of educational materials, contact Trevor Spradlin at (301) 713-2289.

In This Issue....

<i>Campaign to Halt Feeding/Harassment of Wild Dolphins.....</i>	<i>p.1</i>
<i>The IWC and Subsistence Waling</i>	<i>p.2</i>
<i>Workshop on Endangered Species Delisting Criteria</i>	<i>p.2</i>
<i>Elitos' Nite</i>	<i>p.2</i>
<i>Reducing Marine Mammal Bycatch in Fisheries</i>	<i>p.3</i>
<i>Shading Nook Nods</i>	<i>p.4</i>
<i>Ballard Locks Pinniped/Fisheries Interaction Task Force</i>	<i>p.5</i>
<i>Continuing Debate Over Pinniped/Salmon Interactions</i>	<i>p.5</i>
<i>Newest Member of the Office of Protected Resource Team</i>	<i>p.6</i>



National Marine Fisheries Service, Silver Spring, MD 20910

THE IWC and Subsistence Whaling

At its 49th meeting in Monaco this past October, the International Whaling Commission (IWC) adopted a quota that allows a five-year aboriginal subsistence hunt of an average of four non-endangered gray whales a year by the Makah Indian Tribe, combined with an average annual harvest of 120 gray whales by Russian natives of the Chukotka region. Over a five-year period, the joint quota will reduce the number of whales taken by 80 from the existing Russian 140-whale annual quota. The IWC's Scientific Committee will conduct an annual review of the gray whale stock and can recommend changes to the quota.

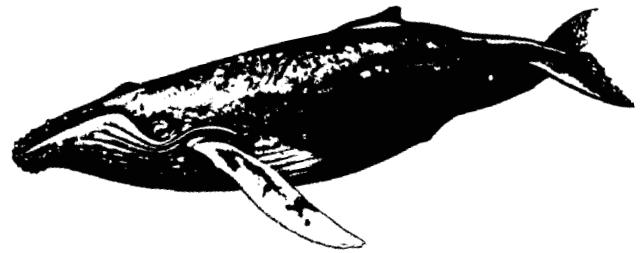
The Makah request is unique among native peoples in that the Tribe's 1855 Treaty of Neah Bay is the only Indian treaty in the United States that expressly reserves a Tribal right to go whaling. The Makah have a 1,500-year whaling tradition. However, Tribal whaling ceased in the early 1900s after commercial whalers decimated whale stocks and government assimilation programs forced Tribal members to abandon their intricate whaling rituals and pursue an agrarian lifestyle. The Makah Tribe, located on the remote northwest tip of Washington state, expects to start its subsistence hunt in the fall of 1998 under government supervision. The hunt will not involve commercial whaling, and the Tribe will not use commercial whaling equipment, but will combine humane hunting methods with continued traditional hunting rituals, including the use of hand crafted canoes.

The U.S. government's environmental assessment of the proposed Makah hunt found it will not adversely affect the gray whale stock's healthy status, which is currently at more than 22,000. The gray whale was taken off the U.S. Endangered Species Act list in 1994.

In a related action, the IWC also approved a combined quota of bowhead whales to meet the needs of the Eskimos in Alaska and Russia. The combined quota allows an average of 56 bowhead whales to be landed each year. The Alaska Eskimos have been conducting aboriginal subsistence hunts with approval of the IWC since the commission began regulating such hunts in the 1970s.

The 39-member IWC is the sole international body with authority to regulate all forms of whaling. Under the IWC's whaling regulations, native communities are allowed quotas for subsistence and cultural purposes. Such quotas prohibit the sale of any edible whale products from aboriginal subsistence hunts.

For more information, contact Catherine Corson at (301) 713-2322.



Workshop on Endangered Species Delisting Criteria

In January 1997, a workshop was conducted by the NMFS National Marine Mammal Laboratory (NMML) in Seattle to seek expert opinion regarding Endangered Species Act (ESA) classification criteria for the North Pacific population of humpback whales and other populations of large whales. At the workshop, consensus on a general approach for establishing classification criteria was reached.

Experts agreed that a population could be "downlisted" from endangered to threatened status when all designated wintering and feeding areas maintain a population size such that, over the next 10 years, there is a high probability that the population will remain above a specified critical level. An international conservation regime must be in place and be effective in regulating human related disturbance and mortality of that species as well.

There was also agreement that the proposed criteria were sufficiently flexible to be applied to other large whale species, where adequate information was available to determine population structure. With the focus on humpback whales as a starting point, different population structure scenarios will be considered in the context of this classification criteria. In applying the preliminary classification criteria to humpback whales, a number of methods of incorporating uncertainty will be tested. The current ESA criteria is sensitive to assumptions about population structure and will receive further investigation.

The primary method of evaluating the relationship between specific criteria and various parameters such as abundance and abundance trends will involve computer simulations using population models appropriate for species with life histories similar to humpback whales. Additionally, workshop participants believed the proposed criteria could provide a mechanism to address the lack of consistency in ESA classification decisions for both marine and terrestrial species.

For more information, contact Robyn Angliss at (612) 625-5700 or Leah Gerber at NMML at (206) 526-6331.

Editors' Note

There has been an unavoidable lapse the publication of the MMPA Bulletin. It has been an exciting and busy year for us, with a continued focus on the implementation of the 1994 amendments to the MMPA. We appreciate your patience and assure you that the Bulletin will be on a regular quarterly publication schedule. We also welcome Nicole R. Le Boeuf to the editorial staff (see p. 6). As always, we enjoying hearing from you.

The MMPA Bulletin Editorial Staff

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Cooperative Efforts to Reduce Marine Mammal Bycatch in Fisheries

Over the last two years, NMFS has been working with various take reduction teams (TRT's) to develop and implement strategies for reducing marine mammal bycatch in commercial fisheries. NMFS is required to establish TRT's for strategic stocks of marine mammals that interact with U.S. commercial fishing operations. Each TRT is responsible for developing a draft Take Reduction Plan, which is designed to assist in the recovery or prevent the depletion of strategic marine mammal stocks.

TRT's are comprised of a wide variety of stakeholders, including representatives from the fishing industry, academic and scientific organizations, conservation groups, federal and state agencies, fishery management councils, and interstate commissions.

Five teams have been formed to date and each team has submitted a draft take reduction plan to NMFS. The plans are in various stages of implementation, with two of the plans published as final in the summer of 1997. The plans outline strategies for reducing the number of marine mammals incidentally killed or seriously injured in commercial fishing operations. The immediate goal of each take reduction plan is to reduce, within six months of its implementation, the incidental take of marine mammals to levels below the Potential Biological Removal level. The long-term goal of each plan is to reduce, within five years of implementation, the incidental take of marine mammals to insignificant levels approaching a zero mortality and serious injury rate.

The following is a summary of each team's plan and progress that has been made in the implementation:

The Gulf of Maine Harbor Porpoise TRT was formed to reduce the incidental take of harbor porpoise in the Gulf of Maine groundfish sink gillnet fishery. The team's draft plan, submitted to NMFS in August 1996, includes closures which expand on those outlined in Amendment 7 of the Multispecies Fishery Management Plan and the use of acoustic deterrent devices (pingers) to further reduce harbor porpoise bycatch. NMFS published the proposed rule on August 13, 1997 (62 FR 43302); the public comment period ended October 14, 1997. NMFS recently extended the comment period to allow the team to reconvene before publishing a final rule. The team reconvened December 16-17, 1997, in Boston, MA, and is preparing a report of their recommendations.

The Pacific Offshore Cetacean TRT submitted a draft plan to NMFS in August 1996 to address the takes of beaked whales, pilot whales, pygmy sperm whales, sperm whales, and humpback whales in the California/Oregon swordfish drift gillnet fishery. The final rule implementing the plan adopts all of the team's recommendations, including a requirement that the top of the nets be at a minimum depth of 36 feet below the water surface, that pingers be used on all nets, that the states of California and Oregon reduce the number of "inactive" permittees, and that vessel operators be required to attend educational workshops to educate them marine mammals and the take reduction plan and to solicit input from them on ways to

reduce takes. NMFS' final plan and implementing regulations were published on October 3, 1997 (62 FR 51805). The effective date of the regulations was October 30, 1997.

The Atlantic Offshore Cetacean TRT was established to address the take of several strategic marine mammal stocks (right whales, humpback whales, sperm whales, beaked whales, pilot whales, common dolphins, bottlenose dolphins, and spotted dolphins) in the Atlantic pelagic driftnet, longline and pair trawl fisheries. The TRT reached consensus on several strategies to reduce takes in each fishery and submitted their draft plan to NMFS in November 1996. For each fishery, the team recommended that education and outreach materials be prepared and workshops be held. In the driftnet fishery, the TRT recommended a closure south of Hudson Canyon, an allocation of a pre-determined number of sets amongst fishers; limited entry; 100% observer coverage; and a buy-out program. In the longline fishery, the TRT recommended that strategies focus on the Mid-Atlantic (an area with high marine mammal bycatch), including: reducing the length of line; retrieving gear in reverse to reduce maximum soak time; limited entry; moving fishing location after one marine mammal interaction; increasing observer coverage; and enhancing communication between fishers. Pair trawl gear is not currently authorized for fishing in the Atlantic tuna or swordfish fishery; therefore, the team's recommendations regarding pair trawl gear are not being implemented. NMFS published a notice of availability of a draft Environmental Assessment on the team's draft plan on November 4, 1997; comments are due by January 4, 1997.

The Atlantic Large Whale TRT was established to develop a plan to reduce the incidental takes of right whales, humpback whales, fin whales, and minke whales in the South Atlantic shark gillnet fishery, the Gulf of Maine and Mid-Atlantic lobster trap/pot fishery, the Mid-Atlantic gillnet fishery, and the Gulf of Maine sink gillnet fishery. The team submitted a report to NMFS on February 1, 1997; however, the team did not reach consensus on a plan. NMFS developed a final plan in the form of implementing regulations for each fishery after considerable public input. The final regulations have minimal impacts on fisheries while insuring adequate strategies are implemented to reduce incidental takes of large whales. An interim final rule was published on July 22, 1997 (62 FR 39157); the comment period ended October 1997. The effective date of the regulations is November 15, 1997, except for the gear marking requirements, which are effective January 1, 1998.

The Mid-Atlantic Coastal Gillnet TRT was formed to reduce takes of harbor porpoise in ocean gillnet fisheries of the Mid-Atlantic. Although the team did not reach consensus at their final meeting, they did reach agreement on several key elements including gear modifications and net caps for the monkfish and dogfish fisheries, short-term closures for the monkfish fishery, and research recommendations for bottlenose dolphins. The team submitted their report to NMFS in August 1997. NMFS expects to publish a proposed rule to implement the plan by December, 1997.

For more information about Take Reduction plans, contact Vicki Cornish or Donna Wieting at (301) 713-2322.

Stranding Network News

Marine Mammal Health and Stranding Response Program

Section 302 and 303 of the MMPA directs NMFS to "improve stranding networks' capabilities by improving the flow of information to them and developing standard protocols for response to strandings and tissue collection from dead marine mammals."

Effects of El Niño on Strandings

When an El Niño event occurs, ocean temperatures rise causing prey fish species becomes less available for marine mammals. In past El Niño years, pinnipeds such as Northern fur seals, harbor seals, and California sea lions have been seriously impacted.

El Niño events cause increased pinniped strandings because they are not able to find enough food, and wash up on beaches dying or dead of starvation. The majority of stranded animals are emaciated pups and yearlings still learning to forage on their own. In 1992 and 1993, 2,617 and 2,002 stranded pinnipeds were reported in California compared to 1,494 for 1991. Stranding rates in 1992 for California sea lions and harbor seals were double that of previous rates. Although stranding rates are not currently above average in California, the Marine Mammal Center has reported strandings of 28 emaciated Northern fur seal pups. California sea lion pups on the Channel Islands are also having a particularly difficult time, but instead of stranding, they are dying on their birth island.

If the El Niño weather pattern continues as predicted, there is likely to be an increase in strandings of harbor seals, Northern elephant seals, and California sea lions next spring. In addition, the 1998 pup survival rates are anticipated to be lower than normal.

Regional Reports

Southwest: Between March and August of 1997, the Point Reyes Peninsula of California reported increased strandings of harbor seals. Analyses are in progress regarding this mortality event. The total number of animals which stranded during this period is 90, with 82% being adults. A report on this event will be forthcoming in 1998. In addition, there has been another epizootic of leptospirosis in California sea lions. Since September 1997, 166 animals have stranded, with the majority being diagnosed with the disease.

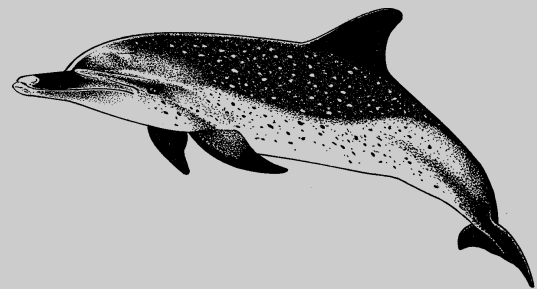
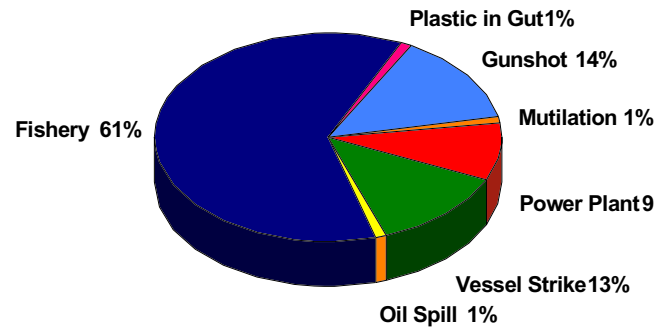
Southeast: The Southeast stranding network has experienced an increase in live strandings during the late summer and early fall of 1997. As of December 1, there have been 44 live strandings compared with 26 live strandings for 1996.

Northeast: The Northeast stranding network responded to a mass stranding of ten common dolphins in November. This event is considered unusual because mass strandings of common dolphins have rarely occurred over the last 20 years.

Northwest: A striped dolphin that stranded in Oregon had a high titer to morbillivirus. This represents a new west coast species and the first Oregon cetacean known to test positive for this virus.

Human-related Strandings Data

Semi-annually, the Office of Protected Resources receives data on human interactions in stranded marine mammals from the Regional Stranding Coordinators. From January 1 to June 30, 1997, 142 stranded animals showed evidence of human interaction. The graph below identifies the different categories of interaction and the percentage of animals determined for each.



Upcoming Publications

NOAA Publication: Release of Stranded Marine Mammals to the Wild: Background, Preparation, and Release Criteria

Field Guide to the Assessment of Gross Evidence of Human-Induced Mortality of Small Cetaceans, by Dr. Andy Read

Recent Publications

Report on the Workshops to Coordinate Large Whale Stranding Response in the Southeast U.S., Edited by R.A. Blaylock, B.G. Mase, and C.P. Driscoll

Training Workshops

Southeast Region Stranding Meeting - March 1998 in Panama City, Florida. Contact Blair Mase at (305) 361-4586

Northeast Region Stranding Conference and Meeting - March 27-29, 1998 in Virginia Beach, Virginia. Contact Virginia Marine Science Museum at (757) 437-6159

Southwest Region Stranding Meeting - September 1998 at the Marine Mammal Center in Sausalito, California. Contact Dr. Frances Gulland at (415) 289-7370

Update on Ballard Locks Pinniped-Fishery Interaction Task Force

On September 16-17, 1996, the Ballard Locks Pinniped-Fishery Task Force met in Seattle, Washington to review interactions between California sea lions and Lake Washington steelhead at the Ballard Locks, as well as to review recent actions taken by NMFS and the Washington State Department of Fish and Wildlife (WDFW). The Task Force was also charged with providing recommendations to NMFS and WDFW concerning further actions. The Task Force determined that, in this short period of time, it would not be able to fully evaluate long-term effects of these actions on fish stock recovery. One conclusion made by the Task Force was that the steelhead fish population of Lake Washington remains critically low. Six recommendations were made by the Task Force relative to managing the situation with pinnipeds.

1. If a request is received, the Task Force recommended that NMFS extend a Letter of Authorization to the WDFW to lethally take sea lions at the Ballard Locks.

2. Undertaking of further research is recommended to provide a better basis for evaluating the sea lion steelhead in-

teractions and for making further recommendations.

3. Long-term funding, including local sponsorship, must be secured to enable the agencies to implement recommendations and to continue their work on this issue.

4. If the current Task Force is to continue in its present role and structure, the Task Force recommended that scientists who resign from the Task Force be replaced.

5. If the Task Force continues to function, it recommended that NMFS provide it with information on its actions and those of the WDFW on an annual basis. It also recommended that the Task Force remain adjourned until such time that substantive new information warrants another meeting.

6. If the Task Force continues to function, it recommended that all relevant and available current information be provided at least two weeks prior to any scheduled meeting.

For more information on the Task Force, contact Tom Eagle (301) 713-2322.

Continuing Debate Over Pinniped/Salmon Interactions

In the 1994 Amendments to the MPPA, Congress directed NMFS to conduct scientific investigation to determine:

1) whether or not California sea lions and Pacific harbor seals are having a significant negative impact on the recovery of salmonid fishery stocks listed as endangered species or threatened species under the Endangered Species Act (ESA).

2) if pinnipeds are having broader impacts on the coastal ecosystems of Washington, Oregon, and California.

NMFS completed this investigation in March of this year and reported the findings in a NOAA Technical Memo.

After completing the scientific investigation, NMFS, in consultation with the Pacific States Marine Fisheries Commission (PSMFC) and representatives of the Washington Department of Fish and Wildlife, Oregon Department of Fish and Wildlife, and the California Department of Fish and Game, developed recommendations to address the issues raised in the investigation. A draft report to Congress was prepared and, along with the scientific investigation report, was made available for public comment from March 28 - June 26, 1997. NMFS received many comments and is currently reviewing them in preparation of a final report due out in early 1998.



The draft report states that in cases where enough information is known about pinniped affects on salmonid populations to raise valid concerns, management action should not be delayed while waiting for more precise scientific documentation that would eliminate all uncertainty. Delaying management decisions when there is an immediate need for action could increase the risk of losing present and future options.

During this year's annual American Fisheries Society Meeting, the Monterey Bay Aquarium and the New England Aquarium co-hosted a multi-stakeholder meeting for discussion of conflicts concerning pinniped populations on the West Coast. The forum was attended by fishers, managers, scientists, environmentalists, and others.

Many viewpoints were expressed as to the nature of pinniped "problems" on the West Coast, and not surprisingly, they were not all in agreement. One viewpoint that most agreed with, however was that habitat degradation issues must be addressed in order to help restore salmon populations in this region. The feeling was that whether or not the NMFS establishes the management framework outlined in the recommendations report (referred to above), *habitat issues must be addressed as well.*

For more information about the Task Force or to obtain any of these publications, contact Tom Eagle at (301) 713-2322.

Newest Member of the Office of Protected Resources Team

The Office of Protected Resources welcomes Nicole R. Le Boeuf to the Marine Mammal Division. As a part of her new duties, she will be taking on the role of Co-Editor of the *MMPA Bulletin*. She will be coordinating the publication of the *MMPA Annual Report* as well as designing educational outreach materials in support of NMFS' many marine mammal management and conservation programs. Through this work, she will be able to reach numerous stakeholders and address their needs in these challenging times of marine mammal management.

Nicole has a Bachelor of Science degree in marine biology from Texas A&M University at Galveston (TAMUG), where she worked with marine mammals during her undergraduate career. For the last six years, she has performed numerous public outreach duties concerning marine mammals and the marine environment for TAMUG as well as numerous other organizations and institutions.

Most recently, she served as Education Coordinator for the Texas Marine Mammal Stranding Network (TMMSN) and as Curriculum Editor for Sea Camp at TAMUG. In 1995, Sea Camp asked her to spearhead a week-long workshop on marine mammals for young adults. Through this program, she sought to provide them with a scientific look at marine mam-

mals as well as a realistic idea of what careers are available for them in this field.



Volunteers, including Nicole, care for a stranded Atlantic spotted dolphin at the TMMSN. Photo Courtesy of TMMSN.

Nicole believes that although the public is enamored with marine mammals, they can also harbor serious misconceptions about them. She feels it is unfortunate that the public's love for these remarkable animals can oftentimes put them both at risk of injustices and injury. She hopes to use her position at NMFS to better educate the general public about marine mammals and the problems they face. Working with both dolphins and the public has given her insight into ways of enlightening people about marine ecological concerns through their love and admiration for marine mammals.

She plans to continue in the field of marine mammal management and policy, expanding her education to possibly focus on international, environmental, or trade policy. Working in dolphin rehabilitation and care has brought her close to individual animals that relied on her actions each day for their well-being. Her decision to join the NMFS team stems from her belief that now her actions will impact the lives of not just individual, but of countless marine mammals.

To provide comments or suggestions about the MMPA Bulletin, contact Nicole LeBoeuf at (301) 713-2322.

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